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International Court of Justice

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International Court of Justice, settling disputes peacefully and lawfully

Introduction

As its name suggests, the International Court of Justice (ICJ) is a court that handles cases on the international level. In other words, the ICJ settles disputes between member states of the United Nations. The format in which the ICJ is conducted makes it unique. Within the court, 15 judges make up what can be called the “jury”, and the 4 advocates act as “lawyers.” The advocates present their respective countries’ cases, and the judges make a verdict based on what is presented. This year will mark the third time that the ICJ is a part of SEOMUN.

Chairs

President

- The president’s basic duty is to make sure that the session runs smoothly. This job includes organizing the order of proceedings of the ICJ trial, preparing the judges and advocates and directing the judges’ deliberation.
- The president also announces the judges’ final verdict to all the committees at the closing ceremony.

Assistant President

- The assistant president assists the president in preparing the judges and advocates for the upcoming trial and in leading the discussion during the judges’ deliberation.

Registrar

- The registrar’s main role is to keep track of the evidence and witnesses.
 - *Real Evidence*: Real evidence is any evidence in the form of written documents, treaties, etc. The registrar collects the evidence from the advocates and labels them Applicant #1, 2, 3... or Respondent #A, B, C..., according to whether the evidence is from the moving party or the responding party.
 - *Witnesses*: The registrar escorts the witnesses to the ICJ courtroom and swears them in.
- During the judges’ deliberation, the registrar is in charge of taking the main notes on what is being deliberated. These notes are helpful when the judges write their verdicts.

Advocates

- Advocates are basically the “lawyers” of an ICJ trial. Four advocates are present at an ICJ court case. Since the ICJ’s goal is to settle disputes between two specific nations, there are two advocates to represent each nation.
- The moving party, or the applicant, is the nation that sues another na-

tion by bringing their case to the ICJ. The moving party has the *burden of proof*, meaning they have to persuade the majority of the judges that their claims are true beyond a reasonable doubt.

- The responding party, or the respondent, is the nation that is being sued. The responding party, who does not have the burden of proof, has to prove that the moving party's claims are not true.
- In order to effectively present their case or defend their stance at the trial, the advocates must prepare extensively and be alert at the conference.

Preparation

- **Research:** Above all, research is the *most* important duty of an advocate. Advocates should save and cite all the sources they consult. The sources should be unbiased and reliable. Later, the research can be selected as evidence.
- **Memorandum and stipulations:** Both the applicants and respondents write their own memorandums, but all four advocates work together to write one set of stipulations. A memorandum is a set of facts that represent a country's stance on the issue. These facts should help the advocates present their cases. Stipulations are facts that both the applicants and respondents agree on.
- **Real Evidence:** Advocates are also responsible for compiling their evidence and sending it to the registrar. There is no set number of pieces of evidence that advocates can use, but at least eight pieces of evidence are recommended at SEOMUN.
- **Witness Preparation:** Advocates *must* prepare their witnesses! Witness preparation is detailed under section *Witnesses*.

At the Conference

- **Speeches:** Advocates will have to make several speeches during the trial. The *opening statements* introduce the advocates' main arguments for the case. The purpose for the opening statements is to present the supporting points for the advocates, not to defend the advocates from attacks from the opposing side. *Rebuttals* are speeches that will allow the advocates to defend themselves. *Closing statements* wrap up all the points that were discussed during the trial. It would be wise for all advocates to pay close to attention to their closing arguments as these speeches in particular will be the most fresh.
- **Presenting Evidence:** When presenting their evidence to the judges, advocates should specify the title of the evidence, source of the evidence and date it was written. They should also give a brief description of the evidence before using it to support any point.
- **Direct and Cross Examination:** Direct examination is when the advocates question their own witnesses. Cross examination is when the advocates question the opposing side's witness. There are two types of questions that advocates should keep in mind:

- **Leading questions:** These are questions that suggest the answer in the nature of the question. These questions are usually yes or no questions. In other words, when an advocate asks a leading question, they should already know the answer, but they want the witness to admit a certain point that will hurt the opposing council. Leading questions can *only be asked during cross examination*.
- **Hearsay questions:** These are questions that ask the witness for secondhand information, which is a testimony from a source who is not present at the trial. Hearsay questions should *never* be asked during the questioning of the witnesses.

Judges

Judges are similar to the jury of a court case. In the ICJ, there are 15 judges in all.

Preparation

In order to eliminate any chance of bias, judges technically are not supposed to know about the court case. However, to ensure that the judges are not completely confused during the trial, they are told to research the court case background and are often required to write a research paper. Specific requirements on what to write about will be assigned by the president.

At the Conference

- **Taking notes:** Whenever the advocates are presenting their cases, the judges are responsible for keeping notes. Judges should take notes on the opening statements, evidence, witness testimonies, questioning time, rebuttals and closing statements. These notes will come in handy during the judges' deliberation.
- **Admitting Evidence:** Judges must admit the evidence that is submitted by the advocates. During this time, advocates will not be present in the court room. The pieces of evidence will be distributed among the judges, who will have to determine two things.
 1. Should the evidence be admitted?
 2. How much weight should the evidence be given? Weight is given according to authenticity, reliability, accuracy and relevance.
- **Judges' Deliberation:** This time is allotted for the judges to discuss with which side they are more inclined to agree. The advocates will not be present while the judges deliberate. This procedure is done by listing the points of the case, then going through each point and voting accordingly.
- **Writing a Verdict:** Judge's deliberation is followed by a set time to write a verdict. The verdict is the *majority* opinion of the 15 judges, but there are other opinions as well. A *separate, but concurring* opinion is an agreement with the main verdict and a disagreement with the reasons why. A *dissenting* opinion is a complete disagreement with the main verdict.

A separate, but dissenting opinion is also a disagreement with the main verdict but again with different reasons.

Witnesses

A witness is an ambassador of a nation or NGO who is pulled out of his or her committee, usually the General Assembly. Witnesses provide a testimony of their role in the case in front of the entire court. Whatever the witnesses say can be used as evidence by the advocates and should be taken note of by the judges. The number of witnesses that an advocate can use is not always specified at every conference, but at SEOMUN, advocates are recommended to use three witnesses.

Preparation

- Witness preparation should begin at least three weeks before the conference.
- Advocates should inform their witnesses of the court case issue and coach them on what to say.
- Even though the advocates should tell their witnesses all they need to know about the case, witnesses should also research their stances in the case.
- Advocates are strongly advised to write a witness script that can help the witness during direct examination. However, during cross examination, the witness will not have a witness script, so the advocates should prepare their witness for potential questions the opposing advocates might ask.

At the Conference

- The best thing the witness can do is be *confident*.
- The registrar will come to the witness' committee and escort the witness to the ICJ courtroom. As soon as the witness is seated in front of the judges, he or she will be sworn in by the registrar.
- The advocates will proceed with the direct examination of their witness. The witness can use their script as a guide to answer their questions, but remember that it is only a guide and not something to be read word for word!
- Direct examination will be followed by cross examination during which the opposing advocates will ask the witness questions. Witnesses should answer the questions to the best of their ability, and they should try not to contradict anything that they have already said. Any self-research and preparation from the advocates will be helpful to the witness during cross examination.
- Judges will then have an opportunity to ask the witness questions. Once again, the witness should answer the questions to the best of their ability.

Order of Proceedings

- Opening Statements
- Presentation of Evidence
- Admission of Evidence
- Questioning of Witnesses
 - Direct Examination
 - Cross Examination
 - Redirect and Re-cross Examination
 - Judge's questioning
- Rebuttals
- Judges' Questioning of Advocates
- Closing Statements
- Judges' Deliberation
- Writing of the Verdict

Case

Georgia v. Russian Federation: Application of the International Convention on the Elimination of All Forms of Racial Discrimination



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